

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ATIYA HARRIS, RAFAEL SEVERINO,)
R. JR. S., and R. S.,)
)
Plaintiffs,)
)
v.) Civ. No. 05-138-SLR
)
STACY WARE,)
)
Defendant.)

O R D E R

At Wilmington this 17th day of June, 2005, having reviewed defendant's motion to dismiss and the record in general;

IT IS ORDERED that said motion (D.I. 27) is granted. It is manifest from the face of the complaint (D.I. 1) that the instant litigation, filed on March 17, 2004, was filed more than two years after the accident at issue and, consequently, is barred by the applicable two year statute of limitations. 10 Del. C. §8119. See Ponzo v. A.I. duPont Hosp., 748 A.2d 914 (2000).¹



United States District Judge

¹The court notes as well that plaintiffs have not responded to defendant's motion to dismiss, nor have they associated themselves with local counsel as required by D. Del. LR 83.5(d).